

REMARKS

1. The Applicant expresses his appreciation to the Examiner for the diligence shown in the examination of this application.

2. Reconsideration of the application as amended is respectfully requested.

5. Independent claims 1, 5 and 7 have been amended to more particularly define the invention over the art and as discussed in the interview referenced in the Examiner's Interview Summary dated 3/15/2006. The dependent claims have been amended to be consistent with the base claim amendments. Claim 12 is a new dependent claim. The claims of record are 1-12.

6. Claims 1 and 8-9 were rejected under 35 U.S.C. section 102(b) as being anticipated by Cervantes (758). Claims 5-8 and 11 were rejected under section 102 (b) as being anticipated by Slawinski (287). Claims 2, 3, 4, and 7-10 were rejected under section 103(a) as being unpatentable over Cervantes in view of Brown et al. Cervantes discloses a dumbbell supporter for hanging a dumbbell from a post. The supporter comprises a connecting member which engages a hook on the post. Slawinski (287) is the parent of the instant divisional application and it was agreed with the Examiner that this reference is not appropriate for the instant case. Brown et al. is a gaff hook for use in fishing. The gaff comprises a bar and spring for retaining a fish on the gaff.

The Claims Recite Novel Physical Features And Structure And Hence Make The Claims Patentable Under Section 102(b).

7. The applicant submits that independent claims 1, 5 and 7 recite novel physical features and structure and hence make the claim patentable under section 102(b).

8. Specifically, neither the cited and relied-upon Cervantes nor Brown et al. references disclose a dumbbell and dumbbell clamp having a cable assembly attached to the clamp and fitness apparatus as claimed in Claim 1 , nor a grip sensor as claimed in independent claim 5, nor a cable attachment element on the clamp frame as claimed in independent claim 7.

The Novel Physical Features Of The Claims Provide New and Unexpected Results And Hence Should be Considered Unobvious, Making the Claims Patentable Under Section 103.

9. The Applicant submits that the novel structure of independent claims 1, 5 and 7, as amended, provide a barbell and barbell clamp having surprising new features which make the claims patentable under Section 103.

10. Specifically, the cable assemblies of claim 1 and cable attachment element of claim 7 provide a clamp and dumbbell raising feature, protection from dropping during lift, and high-capacity lowering routines not otherwise associated with barbells. The grip sensor, attached to the clamp provides safety features for use with any dumbbell attached to the clamps.

Unsuggested Combination

11. Neither Cervantes nor Brown et al. contain any suggestion that the disclosed features recited in these remarks be combined.

References Take Different Approaches

12. Cervantes discloses a dumbbell supporter for attachment to a static post after exercising. Brown et al. discloses a gaff hook for fishing. Since the application of these devices are disparate, there would be no motivation for one of normal skill in the art to combine the features of the devices.

Multiplicity of Steps Required

13. The combination of the structures of Cervantes and Brown et al., if undertaken, would require a series of separate, awkward combinative steps that are too involved to be considered obvious.

Combination Still Lacking Novel Features

14. Even if the references are combined, the resulting combination would still not result in the present invention. A combination would not result in a cable attachment element or a cable assembly being part of the clamp, nor would the combination include a grip sensor as claimed.

The Cited But Non-Applied References

15. These subsidiary references have been noted and reviewed, but are submitted to be less relevant than the relied upon references.

The Dependent Claims Are A-fortiori Patentable

16. The dependent claims add additional novel features and thus are submitted to be, a-fortiori, patentable.

Allowance Requested

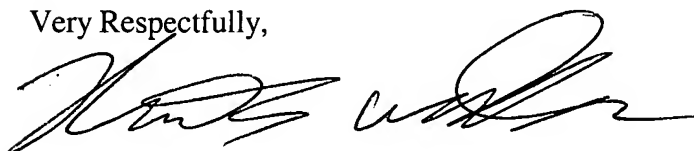
17. Dependent claims 1, 5, and have been amended substantial as discussed in the telephone interview of 3/15/06 and include limitations meeting the substance of the Examiner's objections as understood by the Applicant.

18. For the above reasons, the Applicant submits that the Barbell and Dumbbell Safety Spotting Apparatus disclosed and claimed in the present application is not taught by any of the references of record, taken either alone, or in combination. Therefore, allowance of the present application is in order and respectfully requested.

Request For Constructive Assistance

The undersigned has made a diligent effort to amend the claims of this application so that they define novel structure and render the claimed structure unobvious because it produces new and unexpected results. If for any reason the claims of this application are not believed to be in full condition for allowance, applicant respectfully requests the constructive assistance and suggestions of the Examiner pursuant to MEP 707.07(j) and MEP 706.03 (d) in order that this application can be placed in allowable condition as soon as possible and without the need for further proceedings.

Very Respectfully,



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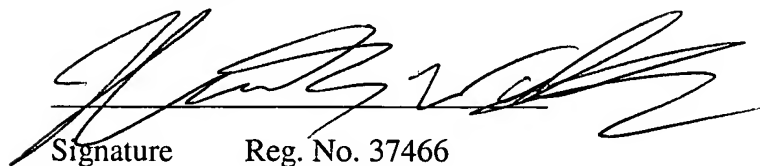
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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: MS: Non-Fee Amendments,

Commissioner of Patents, PO Box 1450, Arlington, VA 22313-1450 on: 4/17/2006

Kenneth S. Watkins, Jr.

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